IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3559 OF 2001

Shri Jogindersingh Lalbachan Singh ...Applicant

Vs.

State of Maharashtra & Anr. ...Respondents

Shri L.K. Tripathi for the Applicant.
Shri U.V.Nikam, A.P.P. for the State.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 20, 2006.

P.C.:

1. Heard the learned Advocate appearing for the Applicant. The offences alleged by the Applicant against the second Respondent are under section 419, 420, 468 of the Indian Penal Code. The case of the Applicant was that his father Lalbachansingh died in the year 1991 and the second Respondent fabricated a declaration of his late father which was allegedly executed on 20th September, 1994. The learned Advocate for the Applicant invited my attention to the finding recorded by the Trial Judge that the declaration was false and forged. He submitted that only because connection of the second Respondent with the declaration was not established, the order of acquittal has been passed. He submitted that no other person save and except the first Respondent could have fabricated the document as it is the only second

Respondent who was beneficiary of the document.

2. I have considered the submissions. The learned Trial Judge has observed that the original declaration was in custody of the Applicant/complainant and he handed over the said declaration to the Investigating Officer. The learned Trial Judge has observed that there was no explanation as to how the said declaration was in custody of the Applicant. The learned Judge also observed that according to the case of the Applicant, the declaration was supposed to be in possession of the second Respondent or the B.M.C. Authorities.

3. In the context of the fact that the Applicant/complainant could not explain his possession of the original declaration, the learned Judge has recorded a finding that there was nothing on record to connect the second Respondent with the offence of forgery. The view taken by the learned Trial Judge is a possible view which could have taken on the basis of evidence on record. No case is made out for grant of leave. Application for leave is rejected.

JUDGE